CHAPTER 33.

An Act to amend the "Land Act."

R. S. 1897, c. 113.

[*8th April, 1905.*]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Land Act Amendment Act, 1905." Short title.

2. Sub-section (1) of section 42 of the "Land Act," being chapter 113 of the Revised Statutes, 1897, as enacted by section 3 of chapter 30 of the Statutes of 1903-4, is hereby repealed: Provided that the rights and privileges of those persons who in good faith have complied with the provisions of the "Land Act" in respect to leasing timber lands shall be preserved. Sub-sec. (1) of s. 42 repealed. Proviso

3. Section 53 of the "Land Act," as enacted by section 8 of chapter 30 of the Statutes of 1903-4, is hereby repealed and the following is substituted therefor:— S. 53 re-enacted.

"53. (1.) A special timber licence for logging purposes shall not be granted for a larger area than six hundred and forty acres of land, which shall be in one block bounded by straight lines drawn to the cardinal points, none of which lines shall be less than forty (40) chains in length, except in cases where such a length cannot be obtained: nor shall the licence be granted for a longer period than one year, and the fees payable for such special licence shall be as follows:— Special timber licences for logging purposes.

"For each licence: West of the Cascade Range, one hundred and forty dollars; east of the Cascade Range and in the Electoral District of Atlin, one hundred and fifteen dollars.

"Such licence may be granted at the discretion of the Chief Commissioner, and shall be subject to such tax and royalty as may be by this

Act, or from time to time by any Act of the Legislature of the Province of British Columbia, imposed or reserved: Provided that the Chief Commissioner of Lands and Works may, before granting any special licence, offer the limits to public competition, when he has reason to believe that the public interests will be served by so doing.

Transfer and renewal of special timber licences now in force.

"(2.) All special timber licences which are now in force or any which may have been applied for, or notice of which application has appeared in the British Columbia Gazette on or before the fifteenth day of April, 1905, shall be transferable and may be renewed each year for sixteen successive years, and the fees for each renewal of any such licence shall be paid in advance, and shall be of the same amount as is now paid for such licence: Provided that the right of such annual renewal shall not be acquired by the holder of any licence unless he shall, at the time of applying for the first renewal of his licence, have given notice in writing to the Chief Commissioner of Lands and Works of his intention to avail himself of the privileges of this clause. In addition to the royalty which is now reserved by section 58 of the "Land Act," there shall be paid to His Majesty ten cents per thousand feet, board measure, upon and in respect to all timber suitable for spars, piles, saw-logs, railroad ties and props for mining purposes, cut and removed from lands comprised within any special licence heretofore issued or coming within the scope of this sub-section.

Transfer and renewal of special timber licences hereafter issued.

"(3.) All special timber licences which may hereafter be issued shall be transferable and shall be renewable each year for twenty-one successive years.

Surveys.

"(4.) No licensee who elects to renew his licence under the provisions of sub-section (2) of this section, and no person who takes out a licence after the fifteenth day of April, 1905, shall be allowed to cut or carry away any timber from off any such timber limit unless the said licensee has, at his own expense, had the land surveyed by a duly qualified Provincial Land Surveyor. The Chief Commissioner of Lands and Works may, however, at any time notify the holder of any special timber licence to have the land covered by such licence surveyed by a duly qualified Provincial Land Surveyor within a time to be mentioned in such notice, and if such land shall not be surveyed within such time, or within such further time as may be granted by the Chief Commissioner of Lands and Works therefor, the holder of such licence shall forfeit all his rights to the timber on said land, and such licence shall become null and void."

Rights of way across Crown land.

4. Any holder of a timber leasehold, or of a special timber licence, who may desire to secure a right of way across any Crown lands which are held under licence or lease, for the purpose of constructing chutes, flumes, a road or roads or other works for use in getting out timber from the limit covered by his lease or licence, shall give thirty

days' notice of his intention to apply to the Chief Commissioner of Lands and Works for authority to construct and use such chutes, flumes, road or roads or other works, by an advertisement published for one month, at his own expense, in the British Columbia Gazette and in a newspaper published or circulating in the district, and the Chief Commissioner is hereby empowered to grant or refuse such application, upon such terms and conditions as circumstances may warrant.

S. 116 amended.

Lieut.-Governor in Council empowered to grant right of way through Crown lands to power companies.

5. Section 116 of the "Land Act" is hereby amended by inserting after the word "railway," in the third line, the words "power."

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